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FINAL REPORT OF THE COASTAL COUNTY COORDINATION PROGRAM

FOR

**TIM TOHIMOVICH, EXECUTIVE DIRECTOR
THE GRAYS HARBOR REGIONAL PLANNING COMMISSION
2109 SUMNER AVENUE, SUITE 202
ABERDEEN, WASHINGTON 98520**

BY

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11 JULY 1989

The preparation of this document was financially aided through a grant from the State of Washington Department of Ecology with obtained from the National Oceanic and Atmospheric Administration, and appropriated for Section 306 of the Coastal Management Act of 1972.

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U. S. DEPARTMENT OF COMMERCE NOAA
COASTAL SERVICES CENTER
2234 SOUTH HOBSON AVENUE
CHARLESTON, SC 29405-2413

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G.C. 1021. W.D. Fall 1989

FINAL REPORT OF THE COASTAL COUNTY COORDINATION PROGRAM

Several recent events and pending state and federal legislation affecting the Washington coast led to the creation of this position. The oil spills off Grays Harbor and Prince William Sound, Alaska provided the State of Washington and Coastal County Commissioners with graphic examples of the threats posed to their coastal resources and economies by the transportation and exploration of oil and gas off the Washington coast. The Coastal County Commissioners pooled their resources to initiate this contract so they could insure that their regional concerns are expressed at the various meetings and in the state and federal legislation which directly affects the Washington coast and their constituents' livelihood.

The contract period summarized in this report spans from 17 April 1989 to 30 June 1989. I have met with the Commissioners and attended various meetings prior to this period in order to understand the concerns of the Coastal Commissioners and the problems that face their Counties. In addition, several tasks have been accomplished subsequent to this period due to the extension of this contract for an additional month while this position is advertised to assure the contracting officers that they employ the most qualified contractor. However, only the products generated from the two and a half month period of the initial contract will be discussed below.

The primary focus of this position has been to monitor and review federal, state, tribal, and local actions associated with the Olympic Coast National Marine Sanctuary to be designated by June 1990, Lease Sale #132 to be completed by April 1992, State House Bill 2242, damage assessment claims for the Grays Harbor spill, federal tanker safety and oil spill liability legislation, and state, federal and international spill prevention recommendations. I have attended at least 11 meetings on these subjects and have reported to the commissioners, state and county staff by phone and by four mailings. Portions of these correspondences reviewing the meetings I have attended are presented in appendix 1. The commissioners have expressed their opinions to me on these matters and I have conveyed their feelings at these meetings and to members of state, federal, and tribal agencies as well as to elected state and federal representatives. We have scheduled a meeting of the commissioners, planners and DOE staff for July 13th, at which time the counties interested in participating in this program will be identified so that a formal memorandum of understanding can be drafted. A copy of the agenda is included in appendix 2.

The contract between the Department of Ecology (DOE) and the Grays Harbor Regional Planning Commission (GHRPC) for the Coastal Zone Management Grant addresses three categories of services that were to be provided by the contractor during this period including: Coordination and Monitoring, Education, and Regional

Policy Development. The three general categories outlined above were subdivided into 18 services specified in the contract I signed with the GHRPC. Although I was not directed to start reviewing County Master Plans during the first phase of this contract, I have begun acquiring these documents as well as economic forecasts for each county. All of the specified services were provided during this period except for the preparation of a quarterly newsletter which will be completed by the end of this month, corresponding to the first quarter of a year long contract. However, I have been sending monthly mailings to keep the participants of this program abreast of my activities. The primary accomplishments of this program are summarized below.

NATIONAL MARINE SANCTUARY PROGRAM

I met with several of the commissioners during the scoping meetings held by NOAA to receive public comments about the designation of the Olympic Coast National Marine Sanctuary. In addition, I drafted a letter in support of full funding for the National Marine Sanctuary Program that the Coastal Commissioners and those from San Juan Island sent to members of Congress. Copies of these letters are included in appendix 3. I have been in close communication with members of Congress and NOAA staff overseeing this program and have been following the progress of the Monterey Bay and Cordell Bank Sanctuaries in California as models of the procedures we expect to follow in Washington.

I have been attending the meetings organized by the Department of Ecology as a member of the Governor's Marine Sanctuary Technical Advisory Committee and have spoken with several tribal members from the coast about how the designation affects their treaty rights. I have also been attending meetings organized by people in the San Juan Islands to review the proposed Northern Puget Sound National Marine Sanctuary proposal. I have drafted comments on the Olympic Coast proposal for the Commissioners to review at our meeting on July 13th. A copy of this draft is enclosed in appendix 4, but it will not be sent to NOAA until it meets the approval of the Coastal Commissioners.

OIL AND GAS LEASE SALE #132

Although Lease Sale #132 is not scheduled to occur until April 1992, there have been many current activities associated with the Department of Interior's plans to lease rights for exploration and development of oil and gas resources off the Washington coast which directly affects the Coastal Counties. Despite the fact that the State Legislature has passed HR 2242, prohibiting oil and gas exploration in state waters for five years, there is still the possibility that seismic explorations will be permitted within state and federal waters. The Joint Select Committee and Marine and Ocean Resources has been closely following the seismic permitting process and I have been receiving their information when I have not been able to attend

their meetings. Several of the Commissioners will be joining me at their next meeting, following our meeting on July 13th, to express their views on the proposed Lease Sale.

The letters written by the Coastal Commissioners to Congress (appendix 3) emphatically state, "We feel the risks involved with mixing oil with water are much greater than any conceivable benefits." Although this view reflects the vast majority of Coastal Commissioners, two Clallam County Commissioners chose not sign the letters. The reason for their abstention appears to be based on a sense that Clallam County can benefit economically from oil and gas development and their distrust of federal conservation programs. Although they have expressed concern about the transportation of oil through their waters, their concerns about the effects of OCS development on marine resources is limited as compared to the other counties which view OCS activities as a major threat to their economies which are strongly dependent on commercial and recreational fisheries and tourism.

I attended the first Pacific Northwest OCS Task Force meeting before this contract began and will be attending the second meeting on July 17th at which time some of the Commissioners will present their views to the Committee. I will provide them with background information prior to that time. I have also requested Dave McCraney to appoint me to the technical subcommittee for the Task Force at the next meeting. In addition, I attended the Minerals Management Service's (MMS) Information transfer Meeting in Santa Barbara, California. I had the opportunity to establish a professional rapport with the Regional Director of MMS and with elected officials from California state and local government who recently wrote to thank me for my input at that meeting and to share information with me in the future (appendix 5).

GRAYS HARBOR OIL SPILL DAMAGE ASSESSMENT

Several obstacles are still in the way of completing the assessment of damages caused to the marine resources of Washington and Canada by the barge Nestucca. The Department of Ecology has not been able to get all the local, state, federal and tribal agencies to sign a memorandum of understanding to make a single, unified claim against Sause Brothers Ocean Towing of Coos Bay, Oregon. In addition, Environment Canada is proceeding with their own damage assessment for oil spill impacts on the west side of Vancouver Island. I have put the Washington State Departments of Ecology and Wildlife and Environment Canada in touch with James Dobbin, a consultant from Virginia.

James Dobbin and Associates, Inc. successfully coordinated the damage assessment claims made by various California and federal agencies when the the T/V Puerto Rican produced a major spill in the Gulf of the Farallons National Marine Sanctuary off San Francisco. This firm is uniquely qualified to help address the problems facing the damages to marine resources along

Washington and British Columbia because in addition to their experience with coordinating damage assessments, they have mapped the marine resources along the entire west coast for the Strategic Assessment Branch of NOAA and have written several management plans for NOAA's Marine Sanctuary Program. It is my belief that Mr. Dobbin can provide a unique service to Washington State and Canada by providing a consistent methodology for assessing damages to all affected agencies and by acting as an independent arbitrator so the various agencies can pool their resources to make a single claim against the towing company and thereby avoiding any potential jurisdictional conflicts and law suits between the United States and Canada. A copy of the letter Mr. Dobbin sent to the Department of Ecology is included in appendix 6.

OIL SPILL PREVENTION

I have attended several meetings which have addressed the issue of spill prevention hosted by the Puget Sound Water Quality Authority (PSWQA), the B.C./U.S. Spill Prevention Task Force, the State House Committee on Environmental Affairs, and the Seattle City Council. I have also been conducting research on tanker safety and have been in contact with the nation's authority on this matter, Arthur McKenzie of the Tanker Advisory Center in New York. I referred to his work at the B.C./U.S. Spill Prevention Task Force meeting and he has been contracted by Environment Canada to make recommendations for procedures which he feels will reduce the likelihood of an oil spill occurring. A copy of the summary of his recommendations are included in appendix 7.

Finally, I have been working closely with Senator Adams' office on the Puget Sound Tanker Safety Act which has been incorporated into a bill coming out of Alaska in response to the Exxon Valdez disaster. In the letter that the Coastal Commissioners wrote to Brock Adams they mentioned some additional issues they would like to see addressed in the Puget Sound Tanker Safety Act (appendix 3). Since this Act has been incorporated in the legislation coming out of Alaska I have been in contact with Mr. Adams' office to see if the new bunkering regulations proposed by Jefferson County could be included in the new bill. There are some jurisdictional issues to be worked out, but Mr. Adams' staff have said that they will try to address this issue.

FUTURE ACTIVITIES

I look forward to continuing in the following directions, pending approval by the contracting officers. I believe the Coastal Counties can have greater input on the Joint Select Committee and the Pacific Northwest OCS Task Force if I was appointed to appropriate the subcommittees so I could report directly to the committees. In addition, I look forward to working with county staff on making ammendements to their Shoreline Master Plans and making a greater effort to involve the public in these issues which affect their coastal resources.

APPENDIX 1

MEMO

To: Coastal County Coordination Program

From: Fred Felleman

RE: First Ocean Issue Update

I) Background II) Actions Needed III) Future Activities

Date: 2 May 1989

Greetings and welcome to the Coastal County Coordination Program's first Ocean Issue Update. Having recently received my contract and computer I would like to thank all of the participants for this opportunity to work in behalf of the coastal counties to promote the wise use of Washington's marine resources. This memo will be longer than subsequent ones because I want to provide you with some background information. The comments I receive from you will provide the basis for developing a regionwide position on offshore oil development and marine sanctuary designation. I intend to correspond with you a minimum of twice a month to keep future memos more concise.

I. **BACKGROUND:** Although the contract formally started on April 17th, various events have occurred prior to that time that I will briefly summarize. Numbers on handouts refer to outline.

- 1) Nestucca Oil Spill - December 23, 1988 (summary sheet).
- 2) Dept. of Ecology Sanctuary Technical Advisory Committee
 - Has met 2/15, 3/23, and 4/6 to discuss issues to be addressed in the scope of regulations for the Olympic National Marine Sanctuary.
 - Issues addressed are summarized in DOE handout.
 - A similar group will be formed for the Northern Puget Sound sanctuary proposal.
- 3) Puget Sound Water Quality Authority Spill Prevention
 - Summary of findings from 1/27 and 3/16 meetings presented in handout.
 - The Authority initially wanted to focus on issues solely within state jurisdiction, but has become involved with the Washington/British Columbia Oil Spill Task Force and could play an important role in the Northern Puget Sound Sanctuary proposal.
- 4) Brock Adams meets with Jefferson County Commissioners
 - We met with Mr. Adams on 3/21 to discuss ocean issues. He was particularly concerned about preventing future spills like the Nestucca and expressed strong support for the establishment of the Olympic Marine Sanctuary with oil prohibitions within its boundaries (see enclosed letter to me).

- 5) Washington/British Columbia Oil Spill Task Force
 - Met 3/23 in Victoria, B.C. to enhance existing means of prevention, explore new ones, research and to implement means of financial recovery for both province and state.
 - As a result of the Exxon Valdez spill the task force will include Alaska and Oregon (see handout).

- 6) Exxon Valdez Spill in Prince William Sound
 - 3/24 was the date of the largest oil spill in U.S. history. Current estimates suggest that over 11 million gallons of oil spilled into the sound and the area affected by the spill increases daily.
 - The scale of this disaster and the inability of the existing cleanup equipment to contain the spill has caused many states, especially Washington, to review this region's vulnerability and preparedness to cope with a similar event (see article).
 - the state legislature was already preparing new damage assessment legislation before the Grays Harbor spill occurred and now federal legislation has been proposed to address damage assessment, liability and tanker safety.
 - These events have significantly affected our Congressional delegation's view of the proposed lease sale #132 off Washington and Oregon (article).

- 7) Pacific Outer Continental Shelf (OCS) Task Force
 - On 3/27 the Task Force met for the first time in Vancouver, WA. The purpose of the Task Force is to advise the Secretary of the Interior on issues related oil and gas leasing in Washington and Oregon.
 - Specifically, the Task Force, which includes members of Washington and Oregon state government, tribal government, and the Minerals Management Service, will address a) environmental studies program; b) Area Identification for leasing and deferrals; and c) Lease Sale Timing.
 - A summary outline of the charter for the Pacific Northwest OCS Task Force is included along with a map and description of the lease sale process.

- 8) National Marine Sanctuary Scoping Meetings
 - 4/10 - 4/13 the Marine and Estuarine Division of NOAA held hearings in Aberdeen, Port Angeles, Forks, and Seattle to receive input from the public on the designation of the Olympic National Marine Sanctuary.
 - I wrote an article in the Seattle Times (enclosed) to encourage public participation to help assure that the designation is done with regional sensitivity. I have also enclosed a copy of the information package NOAA would like comments on by the end of May.
 - I have enclosed some of the press on the meetings.

- The meetings on the peninsula each had an attendance of approximately 50 people, while over 400 people attended the Seattle meeting. Several people spoke of wanting to assure there was no new restrictions on fishing and NOAA repeatedly assured commentators that they had no intention to do that.
- All participants, other than those at Forks, opposed oil and gas exploration within the sanctuary boundaries and many people expressed the desire to see the boundaries extend along the whole coast.
- The people in Forks, not being fishermen, saw the proposed oil and gas activity as a potential source of new income that did not jeopardize their current means of employment. They were highly skeptical of promises the federal government makes, having felt betrayed over negotiations with Olympic National Park and the Forest Service. The sanctuary, being another federal program, and one that could potentially restrict OCS activities, did not offer much for them to support.
- Increased tourism from sanctuary designation could benefit Forks' economy substantially.

9) State Invokes 5 Year Moratorium on Oil and Gas Drilling

- On 4/14 SB 5315 finally passed with a moratorium on oil and gas activities within state waters. This is just a temporary moratorium and is by no means a "lock-up." However, it will provide significant leverage in seeking a similar delay for the exploration of federal waters at least until the studies necessary for the Environmental Impact Statement are completed (see enclosed article).
- HB 1190 originally containing the moratorium, did not make it into rules committee, but was attached SB 5315. However, the House acted on the amendment, but transmitted the bill as it came out of the Senate. The differences between bills relate to insurance requirement of tankers and barges carrying hazardous material other than oil, but does not affect the moratorium or the \$120,000 for coastal county amendments to Shoreline Master Plans.
- Now HB 2242 reflects the version acted on by both Houses to be passed by Senate in the extended session.
- A review of State Actions on oil spills is included.

II. **CURRENT ISSUES:** The previously mentioned events set the stage for my scope of work. In addition, I have been keeping close tabs on the controversy surrounding salmon net-pens now that there has been a VHS outbreak in two hatcheries, the Department of Fisheries Draft Programmatic EIS has been circulated for public review, and the Ecological Commission's veto of San Juan County's Shoreline Master Plan Amendments have been overturned. I would be glad to provide comments to you on these issues if so desired.

1) The Puget Sound Tanker Safety Act of 1989

- On 4/19 Senator Brock Adams introduced this bill in response to the Grays Harbor and Valdez spills. Its content reflects some of the comments we gave him at the meeting in Jefferson County. A summary of the bill is enclosed for your review.
- Some important provisions include requiring the Clean Sound Cooperative and other such entities hired by oil companies for cleanup activities to have their contingency plans open to public review and approval by the Coast Guard. There may not be much hope for double hull requirements, but there is a provision to require tankers and barges to have containment capacity on board for a "maximum probable spill" from such a vessel. This measure holds much promise because all vessels would be required to be their own first line of defense in the event of an oil spill and there is so much deck space on these boats that it could be easily implemented at a moderate cost.
- Things not mentioned in the legislation include oily ballast water that is routinely dumped from tankers and the need for twin propulsion systems.
- I mentioned at our meeting in Jefferson County that the PSWQA Spill Prevention Committee noted that our Vessel Traffic System (VTS) does not include Tacoma and that there are "blind spots" near refineries in Rosario Strait. Mr. Adams was Secretary of transportation when the VTS was established and was quite familiar with the limitations of the system. He has asked the Coast Guard to estimate the cost of improving the system and may introduce a line item budget request with Congressman Norm Dicks to upgrade the system once the price is known.

2) Meeting with San Juan County Commissioners

- 4/24 I met with Tom Cowen and Bruce Orchid, but Doug Corliss was not available. We discussed how the Grays Harbor spill and Olympic Marine Sanctuary affected the San Juans. In addition, we discussed how they wanted to be actively involved in the designation of the Northern Puget Sound Sanctuary which would also affect Clallam and Jefferson Counties. I gave them a copy of our draft contract and welcomed their participation in our program. I have not heard if they are interested as of yet.
- I also attended a meeting of citizens interested in participating in the Northern Puget Sound Sanctuary which was also attended by representatives for the commissioners. We discussed how to protect fishing interests and how to encourage public involvement.

3) Exxon Philadelphia

- 4/26 the tanker carrying 22 million gallons of Alaska crude oil lost power 9 miles northwest of Cape Flattery and was towed into Port Angeles.
- See handout and article for more information.

4) Seattle City Council Meeting

- 4/26 Public hearing on Exxon Oil Spill's Economic Impacts on Seattle and its Implications for Oil Spills in Puget Sound (see announcement).
- The economic impacts of the Alaska spill on Washington industries is summarized in articles.
- Washington State's vulnerability to a similar event was considered extremely high because the amount of barge and tanker traffic through narrow inland passages and the fact that the Clean Sound Cooperative does not have enough equipment to contain a similar spill.
- Particular concern was raised by the fact that Clean Sound's Contingency Plan is not subject to public review or Coast Guard approval (see editorial).

III. IMMEDIATE ACTIONS NEEDED: I would like to urge the participating counties to write Senator Adams to encourage his support of the sanctuary program during the Commerce Appropriation hearings and to comment on his Tanker Safety Act. A copy of this letter should go to the entire Washington Congressional delegation. I have enclosed a draft letter.

IV. FUTURE ACTIVITIES:

- 5/9 Attend Washington/British Columbia Oil Spill Task Force meeting in Seattle.
- Write comments on handout presented at sanctuary scoping meetings by the end of the month. I would like to get your comments if you have specific issues for me to address before I send you a draft of my letter.
- Review Coast Guard's Environmental Assessment of bringing the Exxon Valdez up the Columbia River and their recently updated Oil Spill Contingency Plan.
- 5/31 - 6/1 Attend Pacific OCS Information Transfer Meeting in Santa Barbara, CA (see agenda).
- Review longterm impacts from oil spills.
- Review plans to triple the refining capacity at Cherry Point refinery and its implications on traffic.
- Begin compiling information for Coastal Estuary Sanctuary proposal.

To: Coastal County Coordination Program
From: Fred Felleman
RE: Second Ocean Issue Update
Date: 14 June 1989

The first Ocean Issue Update (OIU) reviewed relevant events affecting our coast from December 1988 to April 1989. It covered many topics but did not offer much in the way of guidance for management decisions. The reason for this approach was to start this program by presenting background information before expressing my opinions on the issues the Counties will choose to address.

Now that I have had a chance to lay some groundwork I will proceed by continuing to review the pertinent ocean issues, but will also offer some interpretation of them. I will continue to provide news clippings and other source materials for those of you who are interested in more detailed information, but will not simply refer to them without reviewing their content.

The letter of support for full funding of the Sanctuary Program has been signed by all the Commissioners other than Gaydeski and Cameron of Clallam County and was sent to Senator Adams and Representative Swift. In addition, San Juan County Commissioners sent their own letter to Swift's office and have already received a response which stated his full support for the Sanctuary Program. This is the first success of our Coordination Program and I expect it will foster the success of the Sanctuary Program. Unfortunately, a letter was written by the Forks City Council to Adams expressing negative views about the Sanctuary. I called City Clerk Dan Leinan to request a copy of the letter in order to better understand the concerns in Forks. I have spoken with Adams' aid, Bruce Need, in D.C. who said he has yet to see our letter or the one from Forks.

I would like to make an appointment to meet with all Commissioners and Planners who are attending the meeting in Yakima on June 20th at 7 pm as recommended by Bob Paylor. We need to discuss our position on the boundaries of the Olympic Sanctuary and any proposed regulations. I will have a draft position paper and boundary option map for discussion purposes. In addition, we need to define our position on the proposed oil development off the coast. There will be a meeting of the Pacific Northwest OCS Task Force in Hoquiam on July 17th held by the Minerals Management Service. The purpose of the meeting will be to hear from the oil industry about their interest in specific areas along the coast and to hear from the state, county and public sectors as to why certain areas should not be drilled. This is a very important opportunity for us to express our views. I hope we can come to some concensus on the 20th. In addition, the Northwest Indian Fisheries Commission (NWIFC) and DOE would like to meet with County Commissioners prior to the Task Force meeting to see if we can present a united position. Would June 29th be convenient for those who would like to attend?

CURRENT EVENTS:

Nestucca Update: The DOE just released a Summary of Events and News Coverage of the Grays Harbor Oil Spill. I enclosed an overview of the spill from the DOE in the First Update. However, if you want a day by day account of the spill it is available from the DOE. I have enclosed a copy of the map of the impacted areas for your reference. In addition, the Seattle Times did a follow up story of the spill (enclosed) in which it quotes the Olympic National Park's chief ranger, Chuck Janda, who asked rhetorically, "How much is this coast worth? All the money cleaning this coast would probably not buy you a Monet. It's amazing how our value system works." The long term impacts from this spill, like most spills, will be next to impossible to address because of the lack of baseline data. However, that does not mean there are no impacts, as the Minerals Management Service would like us to believe, but rather that our current ability to address such impacts are limited.

Valdez Update: As of the beginning of this month the oil spill covered 9,600 square miles and has killed a minimum of 22,868 birds and 743 otters. The Governor of Alaska has been publically furious with Exxon for issuing false statements about the spill. Although the long term impacts on the various fisheries and wildlife resources may not be known for several years, there is clearly reason for concern. As far as fishermen are concerned, missing one season may be enough of a long term impact to put them out of business. The cancellation of several commercial fisheries has cost approximately \$400 million to date. Even though most fishermen are now being compensated by Exxon for their losses this season, who knows how long it will take to set things right? Estimated expenditures for cleanup so far are \$95 million by Exxon, \$21 million by the federal government, and \$20 million by state and local governments according to Mr. Jeff Mach, head of Solid and Hazardous Waste for the Alaska Department of Environmental Conservation.

Habitat restoration is not the only thing needed at this time. Fishermen are extremely concerned about the public's perception of the quality of their product. The tribes off the Washington coast have been saying for a long time that they get top dollar for their fish in Japan because of the unspoiled nature of the Olympic Coast ecosystem. They fear that the existence of an oil rig off our coast will reduce the commercial value of their catch. To address their concern about the public's perception of the oil spill, Alaska is in the process of embarking on an add campaign to mitigate damage to their fishery and tourist industries. They have been using a picture of Marilyn Monroe without her beauty mark to suggest that Alaska is still beautiful despite the scar on Prince William Sound (enclosed). Although this visual metaphor may make for a cute add it does not get to the point that we need to prevent the need for such adds.

Exxon would like us to believe that the Valdez spill was due to the captain's drinking problem. In reality, the spill could have been avoided or at least significantly reduced if: 1) the Coast Guard's vessel traffic system was adequate; 2) the Alyeska spill contingency plans were adequate; 3) there was more spill containment and clean up equipment available; or 4) the Exxon Valdez was built with a double hull as was originally planned. These same inadequacies make the waters of Washington State vulnerable to a similar disaster.

I have been corresponding with Arther McKenzie of the Tanker Advisory Center, Inc. in New York, who is one of the foremost experts on tanker safety. He has four recommendations for improving tanker safety: 1) have public oversight of classification societies; 2) Require ships' officers and pilots to demonstrate competency on simulators; 3) Stop mixing oil and water purposely on tankers; 4) protect cargo with double hulls as strong as those used for liquid natural gas tankers (LNG) (letter). In addition, I have been in contact with various people who have worked on tankers and they all agree that there needs to be more crew to operate the vessels when the automatic equipment fails and so that they do not have to work as long a shift. The fact that a freighter just ran aground on Whidbey Island last week because the captain fell asleep at the wheel clearly demonstrates the significance of crew requirements. Fortunately, no spill occurred as a result of the grounding.

The public has been outraged by the fact that Exxon's fastest response to the oil spill was to increase the price of gasoline to defer the costs of cleanup activities. In response to the rise in gas prices an initiative has been filed with the State legislature by the Automotive United Trades Organization (AUTO) which would make the State involved in oil company pricing practices under the Utilities and Transportation Commission (article). The latest reports about the Exxon Valdez suggest that the ship will leave Alaska on June 20th, escorted 100 miles offshore by four tugs to be repaired in San Diego (article).

Olympic Coast Sanctuary Update. A copy of the Federal register Notice declaring that the Sanctuary is an Active Candidate for designation is enclosed. In addition, I have enclosed a copy of the Governor's comments on how the designation should be carried out, including proposed boundaries and regulations. I would like to recommend that we use the same recommendations for proposed regulations, but with slightly different boundaries. Rather than following the 200 meter depth contour, approximately 24 miles offshore, I suggest the offshore boundary follow the 500 meter depth contour. This slight extension west will allow the sanctuaries boundaries to include the significant fishing grounds known as the "Plateau" off Cape Flattery (see map). These issues need to be discussed at our meeting in Yakima.

5/3 Congressmen Dicks and Miller letter in the Times. Upon returning from Valdez our representatives wrote of the need for Washington State to prevent a similar catastrophe from happening here. They noted several things we should do, including: 1) Improve the Vessel Traffic System; 2) adequately fund Marine safety Offices; 3) Determine in advance, who has the authority, who takes charge, and who allocates resources; 4) Review oil-spill liability legislation and use such a fund to improve our pollution control equipment (letter enclosed).

5/9 B.C./U.S. Oil Spill Prevention Task Force. This group was originally formed in response to the Grays Harbor spill and was composed of representatives from Washington and British Columbia. Since the Valdez spill its membership has expanded to include representatives from Alaska and Oregon (see handout). They met in Seattle at Pier 70.

The DOE still has not been able to get the various agencies which responded to the Grays Harbor spill to sign a memorandum of understanding, thereby enabling them to file one damage assessment claim. The damage assessment is expected to be done by the end of July. Four subcommittees have been formed: 1) Prevention Alternatives; 2) Technology Sharing; 3) Emergency Response; 4) Financial Recovery. These subcommittees were to finalize their list of priorities, scope of work, and estimated budget by June 7th, but I have yet to hear of their progress.

The Clean Sound Cooperative, an industry funded oil spill response company, demonstrated the use of their cleanup equipment. Although the demonstration was impressive, there is obviously not enough of such equipment in Washington to deal with a major spill. Three other concerns raised were: 1) not all companies transporting oil through Washington waters are members of Clean Sound, so delays in response would be expected to occur until arrangements could be made to have a subcontract agreement made; 2) Clean Sound does not cover the coast, nor am I aware of any other containment or clean up equipment stationed along the coast. 3) Their contingency plans are not subject to public review or approval by the Coast Guard since they are contracted by the oil industry on a voluntary basis. Greenpeace made a well publicized demonstration during their clean up exercises to draw attention to the fact that the public should not feel confident in their clean up capabilities.

The impacts of the Grays Harbor spill on British Columbia's Pacific Rim Park has caused the Canadians to be concerned about the plans for OCS activities off Washington. Canada's U.S. Ambassador, Derek Burney, told reporters that he has and will continue to raise concerns about U.S. OCS activities (article).

5/23 State House Committee on Environmental Affairs. A meeting was held at the Port of Seattle to receive comments from a series of invited experts and from the public on the environmental and economic impacts of an oil spill and how we can prevent them. Prior to the meeting, I recommended to the Chair's (Nancy Rust) aid that a representative from the Pacific Coast Oyster Growers Association should be invited to speak. Bill Dewey presented a strong argument for protecting the environemtnally sensitive and economically important shellfish. Similar testimonies were made by tribal and non-tribal fishermen. The primary point of most of the speakers was that we cannot rely on cleanup technology, especially off the coast, so preventative measures are our best investment (see article). I commented on the importance of also monitoring chronic sources of oil into the marine environment, such as at bunkering and refinery terminals. Cathy Fletcher, from the PSWQA, estimates that 2 million gallons of oil enter Puget Sound each year from a variety of sources.

Legal Challenge to Five-year OCS Schedule. I neglected to mention in the First Update that in December 1988, the U.S. Court of Appeals decided to only uphold one of the six major issues presented to them by the Governors of Washington, Oregon and environmental groups about the Minerals Management Service's plans to explore for oil and gas off Washington and Oregon by 1992. The court agreed that MMS needs to consider more fully the cumulative impacts of such activities on migratory species. A copy of the Governor's letter and supporting letters from Cecil Andrus and the entire Washington and Oregon Congressional delegation is included for your review.

5/30 Minerals Management Service (MMS) Info Transfer Meeting. Meetings were held by the Department of Interior for three days in Santa Barbara, CA. The meeting was attended by approximately 100 people, mostly form the oil industry. Over a dozen oil rigs could be seen from shore and for the first time I was aware of how important the aesthetic impact could be on the Olympic Coast. Dr. Reed, Regional Director of the Pacific OCS Region for MMS, thought he was being nice when he said to me that the rigs will not be as close together off Washington and that they will be 20 miles offshore. I wondered how he could state these things as fact, before the call for industry interest has been made, and prior to the Pacific OCS Task Force meeting in Hoquiam July 17th. I guess he thought he was calming my concerns with MM's famous logic, "out of sight out mind." There was some public protest outside the meeting which received local news coverage (enclosed).

Day One was entitled "Technical Presentations Setting the Factual Groundwork of Risk." A series of speakers from MMS and hired biologists spoke about how they calculate risk and how there have been no significant long term effects from OCS activities. Many of the biologists prefaced their talks by saying how they were asked to comment on how OCS activities actually

benefitted marine resources or how natural variations in resource abundance makes it impossible to ever implicate OCS activities as having any sort of impact. In addition, they repeatedly put the blame of oil spills on transportation techniques, not drilling, as if the two are not intrinsically related. They presented data (enclosed) on spills greater than 1000 barrels which showed that there have only been 11 spills from platforms and 9 from pipelines between 1964 and 1988, whereas there have been 140 spills from tankers between 1974 and 1985.

I pointed out that there are only a few places on earth where there was enough baseline data prior to an oil spill and research subsequent to the spill to even address the question of long term impacts. For example, significant long term impacts have been documented by the Smithsonian's research in Panama (article enclosed). Furthermore, I added by not asking any of the scientists doing research on those spills to come to the conference only serves to perpetuate the myth MMS would like us to believe. Fred Piltz, from MMS's Environmental Studies Program, was interested in my recommendations on how the next meeting should be organized.

I have subsequently found that MMS's claim of how the fisheries in the Gulf of Mexico have not been adversely affected by 40 years of OCS activities is typically misleading. Dr. Howarth of the Woods Hole Oceanographic Institute makes reference to a 1975 NRC report in a chapter he wrote which shows that although the shrimp catch in the Gulf has not changed significantly, the Catch Per Unit Effort (CPUE) has. The average daily shrimp catch per boat dropped from 14 tons in 1950 to just 3 tons in 1972. In addition, oyster harvest dropped from 560 kg per hectare in 1945 to 64 kg per hectare in 1972. Although this result cannot be completely blamed on OCS pollution, indirect activities like the loss of marshlands to opening canals for oil barges has contributed significantly to this decline. In another study off Cape Cod a small spill was responsible for contaminating shellfish beds, closing them for harvest for more than 10 years. Mel Levine and other Congresspeople from California have charged MMS with, "a pattern of deliberate manipulation." (enclosed)..

Day Two's theme was, "Risk Perceptions." It was far less substantive than day one. MMS asked professional sociologists to comment on how people think and what makes them worry. Very little information was provided. They did have a token environmentalist, Bob Hattoy of the Sierra Club, who spelled out many of the concerns of the environmental community.

Day Three: MMS Regional Technical Work Group (RTWG). This meeting was attended primarily by the members of the work group and very little information was transferred. Pam Miller from the DOE did an excellent job representing Washington State's concerns. Several members of the group criticized the comments

presented by the Sierra Club. I recommended that MMS establish baseline reference points of ecological data off the coast before any exploration occurs in Washington so we can adequately monitor any long term impacts. They said they will consider such ideas.

The primary benefit of attending this meeting was to get the chance to speak with county planners and community groups organized to oppose OCS activities in California, including Bob Knecht from UC Santa Barbara, Tom Rogers from Santa Barbara Board of County Supervisors, Warner Chabot from the Central California Coast Regional Studies Program, and I had a productive meeting with Francesca Cava of the Channel Islands National Marine Sanctuary with Pam Miller of DOE and members of the Northwest indian fisheries Commission. I was also able to obtain some valuable documents, including: 1) The City of Santa Cruz's 23 Local Initiatives to Restrict Onshore OCS Facilities (enclosed); 2) MMS's Oil Spill Risk Assessment Model and; 3) MMS's economic impact of OCS activities on Coastal Counties.

6/1 Joint Select Committee Meeting. I was not able to attend this meeting because of the MMS conference, but I received the information that was presented. Topics covered included: 1) organizational matters; 2) Status reports on legislation and Governor's actions; 3) Background on recent oil spills; 4) Policy implications regarding offshore oil and gas development of these spills. Future meetings and tasks of the Joint Select Committees on Marine and Ocean resources for the 1989 Legislation (HB 2422) are enclosed.

House Bill No. 2242: This Bill has been signed by the Governor since the First Update. Sections 1 through 7 address new liability requirements for any vessel over 300 gross tons which transports petroleum products through State waters. A minimum of \$1 million or \$150/gross ton of such vessel has been deemed necessary to meet the State's liability for 1) actual costs for clean up; 2) civil penalties and fines; and 3) natural resource damages. A penalty of not more than \$10,000 in addition to loss of the privilege to operate in State waters will be imposed on any vessel owner or operator that does not meet these requirements.

I do not think that penalties are the best way to keep oil from being spilled since it is in no ones best interest to spill in the first place. But if such penalties are thought to provide incentives for transporters to be more careful then I think the penalties should be significantly higher, for \$1 million does not go far when it comes to clean up activities.

Sections 8 through 12 (Ocean Resources Management Act):

Legislative Findings state that: 1) our waters, seabed, and shorelines are valuable and fragile; 2) marine-based activities have in the past and continue to be important to our economy; 3) these resources are subject to conflicting use demands; 4) there is currently not enough information to assess the potential

adverse impacts of oil and gas development; 5) the State is concerned about how the natural resources in the exclusive economic zone are managed.

Policy and Intent: 1) There will be a moratorium on oil and gas development within State coastal waters until at least July 1, 1995. During the 1995 Legislative Session, the Legislature will determine whether the moratorium should be lifted or extended. If the moratorium is to be lifted OCS activities should meet or exceed criteria set forth in section 11 of this Act. 3) Where conflicts arise, priorities shall be given to uses which will not adversely affect renewable resources over activities which do negatively affect them. 4) The State shall actively encourage the conservation of liquid fossil fuels. 5) Although it is not the intent of this Act to subject existing commercial and recreational fishing activities in this review they may be subject to compliance of these requirements. 6) The State shall take an active role in federal marine resource decisions.

Section 11: Planning and Project Review Criteria. Uses or activities that require federal, state, or local government permits or other approvals that will adversely affect renewable resources, marine life, fishing, aquaculture, recreation, navigation, air or water quality or other existing ocean uses, may be permitted only if they meet various criteria.

Section 12: Oil and Gas Leasing Analysis. An analysis of the of the potential positive and negative impacts of leasing state owned lands by the Departments of Natural Resources and Ecology, under the direction of the Joint Select Committee will be presented to the Legislature by September 1, 1994.

Section 13: Shoreline Master Plan Review. 1) The DOE in cooperation with other state agencies and coastal local governments shall prepare and adopt ocean use guidelines and policies to be used in reviewing, and where appropriate, amending shoreline master programs by April 1, 1990. 2) After these guidelines have been adopted, shoreline master programs will be reviewed for consistency. Amended programs shall be submitted to DOE for approval by June 30, 1991. The sum of \$120,000 will be appropriated for the biennium ending June 30, 1990 to complete this review.

Section 14. The energy office shall prepare a report by September 1, 1994 on the liquid fossil fuel supply and demand and on strategies which exist or which can be developed for conserving liquid fossil fuels. This report shall be used by the legislature in determining whether the oil and gas leasing moratorium should be extended.

Section 15. The DOE shall consult with all affected state agencies, local governments, Indian tribes, and the public prior to responding to federal CZM consistency reviews occurring in the federal outer continental shelf.

Section 16. The authority of the Joint Select Committee is extended to June 30, 1994.

Section 17: Appropriations. For the biennium ending June 30, 1991 a sum of \$180,000 will go to DOE for Section 13 review, of which \$120,000 will go to county governments. A sum of \$100,000 will go to the Joint Select Committee to be used to contract with the DOE and DNR for Section 12 review.

I believe this is an excellent piece of legislation. However, I am concerned that the difficulties incurred getting the 6 year moratorium reflects the Joint Select Committee's concern of making sure that the state maximizes its benefits on any oil and gas leasing, rather than question whether such activities are appropriate in the first place. During the past year I have testified twice before this committee regarding the upcoming sanctuary legislation and was met with little interest. Bob Butts, the primary staff person of this committee, has publically expressed strong reservations about the sanctuary program. However, I do not think that this committee will be actively involved in the sanctuary designation process.

Section 13 is the most pertinent component of this legislation for this Coordination Program. Although the contract does not include my involvement in amending County Shoreline Master Programs, I hope to be of assistance in providing regionwide policy recommendations that could be incorporated in County Programs by the Planners who are far more familiar with their own Programs.

FUTURE: I welcome your suggestions for future activities, some of my recommendations are summarized below:

- Arrange to meet with Commissioners and Planners in Yakima
- Merchant Marine and Fisheries Review (article)
- Agreement on Sanctuary Boundaries/ OCS deferrals (map)
- PNW OCS Task Force (Federal Register Notice)

- Review Long Term OCS Impacts:
 - Ecological Impacts - West Falmouth Spill, Amoco Cadiz
 - Economic Impacts - Satsop Model

- Review County Influence in Santa Barbara

Memo

From: Fred Felleman

To: Coastal County Coordination Program

RE: Sanctuary Comments and July 13th meeting.

Date: 28 June 1989

It has come to my attention that not all the commissioners are in agreement with what my job description should entail. I have enclosed a copy of my contract and hope to have a meeting with representatives from each county and the DOE on July 13th in Westport to help clarify this issue. I am hoping to hear from all the commissioners about this date so I can schedule the time and location.

There will also be a meeting of the Joint Select Committee in Westport at 1:30 to discuss environmental, social, and economic risks and benefits of OCS development. It would be good for some commissioners to attend this meeting, for this committee is moving ahead with plans for permitting seismic vessels to start looking for hydrocarbon deposits off the coast. In addition, I have enclosed a draft of the comments on the Olympic National Marine Sanctuary I hope the counties will sign and send to NOAA. Perhaps we could aim for completing these comments at this meeting as well.

These discussions will provide us with an opportunity to reach a concensus about how we should proceed with this program. We may also want to discuss having a representative(s) of this program present formal comments to the Minerals Management Service at their meeting on July 17th in Hoquiam.

I feel that we have made a lot of progress in this program, but need to hear from you to know how we should continue. Hope to see on the 13th of July.

APPENDIX 2

MEMO

TO: COASTAL COUNTY COORDINATION PROGRAM
FROM: FRED FELLEMAN
RE: JULY 13th MEETING AGENDA
DATE: 7 JULY 1989

FIRST QUARTERLY MEETING AGENDA

July 13th at the Montesano Court House from 11:00 to 1:00

- 1) Contract Review - Scope of Work
 - Performance Criteria
 - Quarterly Meetings
- 2) Memorandum of Understanding
 - Identify participating counties
- 3) Comments on the Olympic Coast National Marine Sanctuary
 - Update letter to be sent to NOAA
 - Boundary, regulation, coordination
- 4) Update on Review of County Master Plans
 - DOE model for master plan revision
 - Participation of Ocean Issue Coordinator
- 5) Participation on the PNW OCS Task Force
 - Letter of interest to participate with Task Force
 - Seismic permits
 - Cumulative impacts
 - Sponsor conference on OCS risks/benefits
 - Next meeting July 17th in Hoquiam is an important opportunity to express County views directly to MMS (see letter and agenda).
- 6) Participation in Joint Select Committee
 - Letter of Interest to participate with Committee
 - Seismic permits in County waters
 - Next meeting in Westport immediately following this meeting. Opportunity for public comments on OCS activities at 7pm (agenda).

LUNCH WILL BE PROVIDED

APPENDIX 3



JEFFERSON COUNTY COURTHOUSE
NATIONAL HISTORIC SITE
PORT TOWNSEND, WASHINGTON

Jefferson County Board of County Commissioners

P.O. Box 1220

Port Townsend, Washington 98368

• Phone (206) 385-9100

LARRY W. DENNISON, DISTRICT 1

B.G. BROWN, DISTRICT 2

GEORGE C. BROWN, DISTRICT 3

May 17, 1989

The Honorable Al Swift
U. S. House of Representatives
1502 Longworth House Office Bldg.
Washington, D. C. 20515

Dear Congressman Swift,

Recently the Washington Coastal Counties came together to develop a strategy for dealing with the complex issues facing our marine waters with respect to oil exploration, development, transportation, and dispensing (bunkering). We have hired a staff person, Fred Felleman, to keep abreast of the issues and information surrounding oil in our coastal waters and coordinate efforts to provide us maximum influence on policy decisions at the federal and State level. Fred will likely be working with your staff on these issues.

Enclosed is a letter we have sent to Senator Adams supporting his legislative initiatives on the Olympic National Marine Sanctuary and measures protecting our coastal and inland marine waters from spills. As you can see we have included suggestions which would further protect our waters.

We hope you will do everything possible to sponsor and support such legislation. We feel the risks involved in mixing oil with water are much greater than any conceivable benefits. Our waters' resources have sustained the coastal county economies for many years. We see them as very important to our future.

Congressman Al Swift

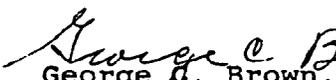
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Thanks for your support and concern for these important issues. We would like to invite you to join us at your convenience to discuss these matters. You may contact Larry Dennison in Jefferson County to set a time convenient to your schedule. Keep up the good work.

Sincerely,

WASHINGTON STATE COASTAL COUNTIES

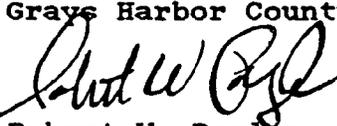
Jefferson County Commissioners


George G. Brown,
Chairman

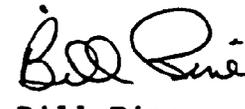

B. G. Brown,
Member


Larry W. Dennison,
Member

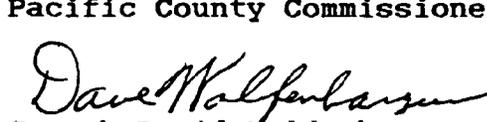
Grays Harbor County Commissioners

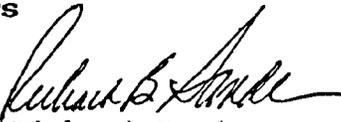

Robert W. Paylor,
Chairman


Bill Vogler,
Member


Bill Pine,
Member

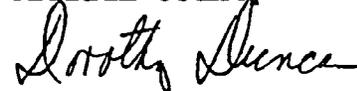
Pacific County Commissioners


Joseph David Wolfenbarger,
Chairman


Richard Sande,
Member


Dan'l Markham,
Member

Clallam County


Dorothy Duncan, Commissioner

WCC/ld



JEFFERSON COUNTY COURTHOUSE
NATIONAL HISTORIC SITE
PORT TOWNSEND, WASHINGTON

Jefferson County Board of County Commissioners

P.O. Box 1220
Port Townsend, Washington 98368

• Phone (206) 385-9100

LARRY W. DENNISON, DISTRICT 1

B.G. BROWN, DISTRICT 2

GEORGE C. BROWN, DISTRICT 3

May 15, 1989

The Honorable Brock Adams
United States Senate
702 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Adams,

The Commissioners of the counties along the coast of Washington State would like to commend you on the leadership you have taken in helping to assure that our constituents are protected from the various threats oil development and transportation pose to their livelihood. We are writing to specifically express our support for the designation of National Marine Sanctuaries in Washington as long as NOAA continues to account for our regional interests and receives the appropriations necessary to have them adequately implemented. In addition, we would like to provide some constructive comments on your much needed Puget Sound Tanker Safety Act of 1989.

Our interest in being directly involved in federal decisions affecting our coast has led us to create an Ocean Issue Coordination Program. The coastal counties have pooled resources in an attempt to provide federal decision makers with input on issues affecting the entire region. We were quite encouraged by the fact that NOAA held four scoping meetings to receive public input on the designation of the Olympic National Marine Sanctuary from throughout the affected region in Western Washington. These meetings were very well attended and the vast majority of participants expressed strong support for the sanctuary. We expect a similar effort will be made to receive public input for the Northern Puget sound proposal.

However, we are concerned that unless NOAA receives the complete appropriation of \$4.9 million for FY '90, they will not have enough staff time to write adequate environmental impact statements and management plans for the Olympic and Northern Puget Sound Sanctuaries. The new authorization levels reflect the minimum costs of adding new sanctuaries to the program while maintaining the viability of existing research and education programs. In addition, we are planning to submit a proposal to NOAA to place a new study area on the Site Evaluation List to protect our State's unsurpassed coastal estuaries, which significantly contribute to the biological productivity and human use values of the coast. Adequate funding is essential for the Sanctuary Program to live up to its mandate. We are aware that you were the primary sponsor of the Sanctuary Bill in the senate and strongly encourage you to take a similar leadership role in the Commerce Sub-committee on Appropriations to see that NOAA can meet the directives of the 100th Congress.

The recent series of oil spills in Washington and Alaska have made us acutely aware of the threats posed to our coastal resources by the transportation of oil along the coast and within the Sound. The cumulative impacts of proposed Lease Sale #132 as estimated by the Department of Interior's Minerals Management Service (MMS) suggest that there will be a 96 percent probability of three or more spills of at least 1,000 barrels during the life of the project. In addition, the MMS notes in their FEIS on the Five Year OCS Leasing Program, "... *the risk of oil spills from import tankers (Alaskan and foreign) is much greater than from operations in the planning areas (IV.B.7. - 46).*" We have already heard that the British Petroleum Refinery in Ferndale is intending to significantly increase its' refining capacity and expect that there will be an associated increase in traffic.

We are committed to doing our best to protect our coastal resources from disaster of the scale caused by the Exxon Valdez. The Puget Sound Taker Safety Act is a step in the right direction. We strongly support such legislation, but would like to point out the need for all tankers to have more than one means of propulsion. At least they need to be required to have tug escorts as soon as they enter State waters. On April 26th the Exxon Philadelphia lost power just nine miles off Cape Flattery. We were extremely lucky that the weather was good and that the ship was not closer to shore when it lost power.

Another very serious concern we have has to do with the oily ballast waters that these ships routinely discharge into the marine environment. In addition we would like to see more stringent controls placed on fuel bunkering operations in the State's inland waters. These operations are the chronic cause of an inordinate amount of the oil spilled in our inland waters. We would like to see the responsibility for bunkering spills be placed on the tankerman and the dispensing vessel, rather than on the receiving vessel. Ballast discharge and bunkering pose perhaps as great a threat long-term as large spills. We hope your legislation can address these issues and

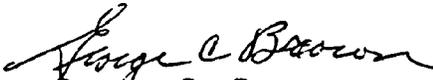
that you are successful in getting sufficient funds for the Coast Guard to improve their VTS system.

Thank you for your continued support of a strong and regional-ly responsible Sanctuary Program in Washington State. We would like to invite you to meet with the Coastal County Commissioners at your convenience. We are certain that such an exchange of ideas and information would be valuable to all concerned. We look forward to working with your office and the entire Congressional delegation to help assure that our coastal resources are protected long into the future for the numerous commercial and recreational users who depend on them for their livelihood and enjoyment.

Respectfully,

WASHINGTON STATE COASTAL COUNTIES

Jefferson County Commissioners

	
George C. Brown, Chairman	B. G. Brown, Member

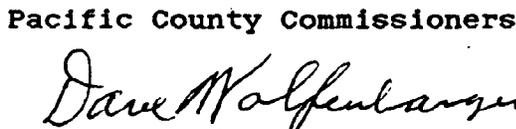

Larry W. Dennison, Member

Grays Harbor County Commissioners

	
Robert W. Paylor, Chairman	Bill Vogler, Member


Bill Pine, Member

Pacific County Commissioners

	
Joseph David Wolfenbarger, Chairman	Richard Sande, Member

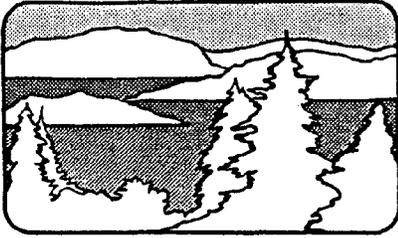

Dan'l Markham Member

Clallam County


Dorothy Duncan, Commissioner

WCC/ld

cc: Washington State Congressional Delegation



Board of Commissioners
San Juan County

P.O. Box 1639 • Friday Harbor, Washington 98250 • 206/378-2898

Doug Corliss, Dist. 1 • Bruce R. Orchid, Dist. 2 • Tom Cowan, Dist. 3

23 *sd*
May 16, 1989

Representative Al Swift
1502 Longworth House Office Building
Washington, D.C. 20515

Dear Representative Swift:

The Commissioners of San Juan County appreciate your support of legislation initiating study of northern Puget Sound as a candidate for National Marine Sanctuary designation. We understand that the Commerce Subcommittee on Appropriations is currently meeting on the funding of the program. We are writing to express our support for full appropriation of the \$4.9 million earmarked for the National Marine Sanctuary program in fiscal year 1990.

We are concerned that without the complete appropriation, NOAA will not have the time or resources to prepare an adequate assessment of resources in northern Puget Sound, or to be responsive to local needs. We have expressed our concern previously about the County's need for involvement in federal decisions affecting our coasts and constituents as well as the desire to see preparation of the environmental impact statement and management plan closely linked to the local government level.

We understand that the new authorization levels reflect the minimum costs of adding new sanctuaries to the program while maintaining existing research and education programs. Certainly the marine sanctuary program is worthy of adequate funding to fulfill its mandate.

Thank you for your continued support of a strong,
responsible resource protection program.

Very truly yours,

SAN JUAN COUNTY BOARD OF COMMISSIONERS



Douglas R. Corliss, Chairman



Bruce R. Orchid, Member



Thomas R. Cowan, Member

BOCC/ek

APPENDIX 4

Frank Christhilf, Regional Manager
NOAA, Marine and Estuarine Division
1825 Connecticut Ave., NW Suite 714
Washington, D.C. 20235

13 July 1989

Dear Mr. Christhilf,

The following comments express the interests of the Coastal County Commissioners in the designation of Western Washington Outer Coast National Marine Sanctuary. We have been pleased with the amount of effort your office, in cooperation with the Washington State Department of Ecology, has taken in trying to assure that there has been adequate public involvement in the designation of the biologically and culturally significant marine waters off the Olympic Coast of Washington State. We strongly support NOAA's efforts to enhance the state of understanding and conservation of these waters. The national recognition given this unique marine environment by NOAA will compliment the national and international recognition already afforded the adjacent land areas.

We have written to our congressional delegation requesting funding levels for this program to meet its most worthy mandate. However, it is our firm belief that the success of this program in Washington State will depend on the degree to which NOAA is responsive to our regional concerns. To that end, we submit these recommendations to assist you in the designation process. If you have any questions or if you would like further documentation in support of our comments, please feel free to contact Fred Felleman, Ocean Issue Coordinator for the Coastal Counties.

1. PREFERRED BOUNDARY OPTION:

It is our belief that the boundaries for the sanctuary should be established with a strong biological basis so that they adequately conserve those resources which make this site worthy of national recognition. The sanctuary should encompass the entire Washington Islands Wilderness, including the southern portion of the Copalis Refuge to the Canadian border in the Strait of Juan de Fuca. A map is included for your reference.

This small extension from the current study area proposed by NOAA would more adequately encompass the Olympic Coast ecosystem and would provide improved protection of the commercially, recreationally and culturally important fisheries resources of the coast, marine birds and mammals of the National Wildlife Refuges, and long-term marine research conducted by the University of Washington on Tatoosh Island. In addition, the extension north may facilitate cooperation with British Columbia. There have been a series of meetings with Canada and Northwest States after the Grays Harbor and Valdez oil spills, which have created an ideal opportunity to promote international cooperation during the establishment of marine protected areas.

The eastern boundary of the sanctuary should follow the high tide line along the entire coast, from Koitlah Point to the south end of the Copalis Refuge, except if any of the tribes prefer it to follow the low tide line along their reservation. The boundary should not enter La Push Harbor or any other port, such as Neah Bay, where human use conflicts are likely to occur.

The western boundary of the sanctuary should follow the 400 meter isobath except where it crosses the Quinault and Juan de Fuca Canyons. The boundary should follow a straight line across the canyons thereby including the diversity of their deep water habitats, enhanced upwelling currents and associated productivity within the sanctuary.

We recognize that the western extent of our proposal is significantly further offshore than NOAA's current study area, but feel there is compelling support for such an extension for the following reasons. This boundary option would significantly add to the amount of highly productive and environmentally vulnerable fishing grounds included in the sanctuary. Of particular importance is the inclusion of the area approximately 24 nautical miles west of Cape Flattery known by fishermen as the "Plateau." This relatively flat bottom habitat is critical for various treaty and non-treaty fisheries including; salmon, halibut, sablefish, black rockfish, hake, petrale sole, dover sole, and Pacific cod (see figure and table from Strickland and Chasan 1989).

In addition, the waters over the continental slope and submarine canyons are very important habitat for adult groundfish and contribute to the highest catch per unit effort of lingcod off the coast (see figure from Strickland and Chasan 1989). The extension of the western boundary also enables the sanctuary to include the waters which support Washington State's lucrative shrimp trawl fishery.

Biological support for the inclusion of offshore habitats is also based on the various unique marine bird and mammal assemblages found over the continental slope. Whal (1984) has found that the tidal fronts attract birds to this region including shearwaters, murre, phalaropes, storm petrels, and Cassin's auklets. Offshore species such as albatrosses, fulmars and pink-footed shearwaters, rhinoceros auklets, tufted puffins, as well as the federally declared depleted species of Northern Fur seals also use this habitat consistently (Whal 1984).

The offshore distribution of marine mammal species is not well studied, but NOAA's Platform of Opportunity database reveals that there are frequent sightings of Dall's porpoise, Pacific white-sided dolphins, killer whales, minke whales, gray whales, Northern fur seals and Stellar's sea lions well offshore the Olympic Coast (Figures enclosed) (Linda Jones pers comm).

In addition, the Commissioners of Pacific and Grays Harbor Counties are considering submitting a proposal for placing a new sanctuary on the Site Evaluation List to encompass the Columbia River, Willapa Bay and Grays Harbor Estuaries, in recognition of the significant influence that these three estuaries have on the biological productivity of the coast. We hope that the DEIS makes reference to the significance of these estuaries to the study area.

2. MANAGEMENT CONSIDERATIONS:

A) Management Concerns - According to the National Marine Sanctuary Program Regulations (15 CFR Part 922) the ability to manage a sanctuary effectively depends on its relationship to other programs, management as a conservation unit, accessibility, surveillance and enforcement, economic considerations. These topics will be discussed individually.

1) Relationship to Other Programs - We see the role of the Sanctuary Program along the Olympic Coast fulfilling three primary functions, to fill specific gaps in existing management, to serve a coordinating function over the various agencies currently responsible for managing the marine resources in the study area, and to enhance public awareness through interpretive and research programs.

Coordination with County, State, Tribal and Federal agencies will be an essential component to the success of

the Sanctuary's management, research and education programs. Specific recommendations for improved coordination between agencies and areas where the Sanctuary can fill gaps in existing regulations will be addressed below.

During the reauthorization of the Marine Sanctuary Program, Congress directed NOAA to promote and coordinate the use of national marine sanctuaries for research purposes (Public Law 100-627). The Sanctuary Program could provide a great contribution to our understanding of the Olympic Coast marine ecosystem by funding long term monitoring studies like NOAA already does with the "Mussel Watch" program. Long term studies are also needed to provide critical information about the year to year fluctuations in the dynamic physical and biological environment that supports our fish, wildlife, and economies.

- 2) Management as a Conservation Unit - The NOAA regulations state, "The size or extent of a marine sanctuary should be a cohesive conservation unit amenable to effective management given fiscal and staff constraints of the managing agencies." We have presented our preferred boundary alternative based on what we perceive is a natural conservation unit which includes the entire Washington Islands Wilderness and extends out to the continental slope.

We feel this is a manageable size even though it is larger than existing sanctuaries for the following reasons. The fact that this proposal is adjacent to approximately 100 miles of coastline facilitates shore-based monitoring, enforcement, and interpretive programs. In addition, NOAA's resources would not be unduly taxed by such a proposal due to its ability to coordinate with existing programs conducted by the Olympic National Park, U.S. Fish and Wildlife Service, Tribes, U.S. and Canadian Coast Guard. We believe that NOAA's primary concern should be that the boundaries encompass the biological resources of this pristine habitat, since there are so few activities conducted within the sanctuary that would require enforcement activities.

- 3) Accessibility - As stated above, the fact that this site lies adjacent to the Olympic shoreline facilitates public access. Although much of the coast is only accessible by trail, highways 109, 101, and 112 provide public with easy access to the coastline at the southern, central, and northern portions of the sanctuary. Olympic National Park is visited by over 3 million visitors annually. In 1987, approximately 440,000 people visited Kalaloch, being situated along highway 101, whereas the more scenic and remote site at Lake Ozette received 35,000 visitors.

- 4) Surveillance, Enforcement and Education - The types and amount of these activities will depend on the regulations implemented and funding appropriated to the program. Human use of this region is limited to primarily fishing and shipping activities. Since we are not requesting NOAA to impart any new fishing regulations, the Sanctuary Program may only have to supplement existing enforcement activities conducted by the National Park Service, Fish and Wildlife Service, and the Coast Guard in order to fulfill this purpose of the program.

However, NOAA could make a significant contribution to enforcement through the establishment of an education program which not only provides interpretation of the resources, but also explains the existing regulations protecting those resources. There also appears to be an excellent interpretive opportunity to cooperate with the Olympic National Park in their construction of a new visitors center at Kalaloch.

- 5) Economic Considerations - Sanctuary designation is far more likely to enhance rather than negatively impact local economies by protecting the living marine resources on which coastal counties depend. In addition, the national recognition afforded this site is likely to increase tourism which is a welcomed source of income to coastal economies. This designation may negatively impact the federal budget to a slight degree because of our support for a ban on hydrocarbon exploration within the sanctuary. However, it is our firm belief that we have more to offer the nation in fisheries and recreational resources than is worth risking for the limited amount of potential energy resources.
- B) Proposed Regulations - While we recognize that the Sanctuary Program provides many non-regulatory benefits to the management and understanding of our marine resources, it must also address some difficult regulatory issues if it is to truly enhance the conservation of these resources. We view our fisheries as one of the primary resource to protect. We do not see the need for additional regulations on fishing, but rather on those activities which may adversely impact fisheries resources, including critical habitats.
- 1) Vessel Traffic - The transportation of hazardous materials through the study area has seriously impacted our marine resources (see review of impacts in final section). We would like to see the Vessel Traffic Separation Lane at the entrance to Juan de Fuca Strait be extended further offshore so that vessels carrying hazardous cargo must travel further offshore when transiting along the coast.

The distance that vessels should travel offshore should be decided in consultation with those affected. In addition, there are approximately 150 oil barges and 10 tank ships carrying primarily refined gasoline and distillate fuel through the Columbia River each month (Beaudoin-Hall 1989 ms). The route and seasons these and other vessels travel along the coast should be studied and modified to minimize the likelihood of impacting the study area.

- 2) Aircraft Overflights - Better enforcement of the U.S. Fish and Wildlife Service's prohibition of private and military overflights under 1000 feet is necessary. Low passes by these planes have the potential for seriously disturbing breeding seabirds and marine mammals within the study area. Educational information provided to the primary operators would probably reduce much of this problem.
- 3) Military Bombing - The bombing of Sea Lion Rocks by the Navy is not viewed as a compatible activity within the sanctuary for it has been shown to disturb marine birds and mammals (Speich et al 1987). Carl Kenyon is one of the State's first marine mammalogists and was a Navy pilot who used to bomb these rocks during World War II. He passed a resolution at the American Society of Mammalogists last meeting in Fairbanks, Alaska, urging Admiral Carlisle Trost, Chief of Naval Operations, to direct Navy pilots to discontinue these activities within the vicinity of the National Wildlife refuge and Wilderness areas. NOAA's EIS should address alternate locations for this Naval activity and provide a formal means by which the Navy could be reminded of the new regulation on an annual basis to account for their frequent changes in personnel.
- 4) Protection of Cultural and Historical Resources - This site is blessed with a great diversity of cultural and historical resources which need to be protected. The coastal tribes must be thoroughly consulted prior to any activities which could affect artifacts of their culture. In addition, the region is known for its sunken ships. If remains of these vessels are collected they should be preserved as historical artifacts and included as part of the Sanctuary's interpretive program. The Makah Tribe already have a museum in Neah Bay displaying their cultural artifacts which could be advertised in NOAA's educational materials and interpretive programs.
- 5) Discharges and Deposits - These activities should be prohibited within the sanctuary and from those areas that would impact the sanctuary. This includes all activities associated with OCS development, but excludes clean

vessel cooling waters, fish wastes and bait, and deckwashing, as authorized in the Cordell Bank Management Plan.

- 6) Offshore Mining - The DEIS should address the future potential for mining of gravel and placer deposits within the sanctuary and how such activities might affect the sanctuary even if they were to occur outside its boundaries.
- 7) Oil and Gas Development - It is our firm belief that oil and gas development would not only be incompatible with the "wilderness experience" that over 3 million people a year seek when they visit Olympic National Park, the potential for such activities to impact our highly valued fisheries and exceptionally vulnerable stocks of sea otters, fur seals (Felleman 1985), and marine birds (Whal 1984), leave us to strongly oppose any such developments within the sanctuary. This includes all forms of OCS activities such as seismic surveys and exploratory drilling which have been shown to have negative impacts on marine resources and fishing success (EPA 1983; Battelle 1987; Grader and Laychack 1989). In addition, we are also concerned about any such activities which may occur to the south of the sanctuary, because the prevailing winds and currents are likely to carry air pollution, drilling muds, produced waters and spilled oil into its boundaries.

The tendency for coastal currents to carry spilled oil, drilling muds, and produced waters onshore increases the vulnerability of the study to OCS activities. Although there is a high degree of variability associated with nearshore circulation patterns, a generalized characterization of shelf circulation can be described as follows. Mean flow along the bottom is northward during all seasons. Therefore, any heavy byproducts of OCS activities occurring south of the study area are likely to be carried into the study area during all seasons. Mean surface flow is southward during the summer, accompanied by coastal upwelling of deeper water. Therefore, OCS byproducts from activities conducted to the north of the study area during the summer are likely to be carried south at depth into the study area and brought to the surface by upwelling currents. Mean surface flow is northward in the winter, accompanied by coastal downwelling of surface water. Therefore, during the winter, any OCS byproducts produced at depth or at the surface south of the study area are likely to enter the study area (Strickland and Chasan 1989). Consequently, NOAA should be sure to exclude all OCS activities from the entire study area and possibly include a buffer zone around the study area, especially off the estuaries to the south, in which OCS activities are also prohibited.

MMS has rated the Washington/Oregon coastline to have the highest biological productivity and environmental sensitivity of all the current lease sales off the continental shelf of the contiguous United States. The sensitivity of the Columbia River, Willapa Bay, and Grays Harbor estuaries to spilled oil accounts for much of overall rating of lease sale #132. However, MMS only estimated there to be 45 square miles of estuarine habitat within the whole lease sale, whereas NOAA's Estuarine Inventory program has measured the three coastal estuaries to be 364 square miles in area. This oversight significantly underestimates the vulnerability of the region to OCS activities.

In addition, these estuaries significantly influence the productivity of the study area by providing critical rearing and spawning habitat for a variety of commercial important species. In addition, the Columbia River alone contributes between 60 and 90 percent of the fresh water entering the Pacific between San Francisco and Canada. The vulnerability of the critical habitats associated with these estuaries and those within the study area, such as the Hoh and Quinault Rivers, is heightened by the fact that counter current circulation will carry OCS byproducts inshore at depth despite the net surface flow seaward. The vulnerability of the estuaries to OCS byproducts both within the study area and to the south, are further reasons why such activities should be prohibited.

Another reason for our concern about having offshore oil rigs within the Sanctuary is the prevalence of strong winds and high waves off the Olympic coast. In reference to prohibiting OCS activities within the Cordell Bank National Marine Sanctuary, NOAA states in the Federal Register (Vol. 54, No. 99), "The probability of serious damage is increased with respect to the Sanctuary because seas over six feet are typically the case in the area of the Sanctuary. Mechanical cleanup equipment for oil spills is typically inoperable in seas over six feet. Further, the use of chemical oil dispersants in an area of special environmental sensitivity may be contraindicated due to their toxicity to marine life."

Extremes of wave height ranging from 15 to 29 meters have been recorded on and beyond the shelf off Washington and Oregon (Strickland and Chasan 1989). Mean hindcast nearshore and offshore wave heights range from 2 to 4 meters. Maximum hindcast nearshore wave heights reach 7 meters, while maximum offshore wave heights have been recorded in excess of 10 meters. A theoretical analysis of wave refraction was used to identify wave shadow zones

for placement of an offshore monobouy oil transshipment terminal in the 1970's. One such zone, located six miles west-southwest of Point Grenville, was considered unable to moor tankers about 65 percent of the time, and for continuous periods as long as 20-30 days during the winter (Strickland and Chasan 1989).

All harbor mouths along the Washington and Oregon Coast can be very hazardous to shipping, especially during the winter, because of breaking waves caused by shoaling and by strong river currents flowing against incoming waves. The Columbia River has long been recognized as one of the most dangerous coastal inlets in the world. According to U.S. Coast Guard statistics, in an average year approximately 850 search and rescue missions are conducted, about 1,850 persons are assisted and 30 lives saved, but about 10 lives are tragically lost despite these efforts. From 1971-1979 the bar was closed an average of 23 days per year (Strickland and Chasan 1989).

These biological concerns, in association with the potentially devastating economic impacts associated with OCS activities leave us to strongly urge NOAA to prohibit them from within the entire study area as defined above.

3) EXAMPLES OF OIL SPILL IMPACTS ON THE STUDY AREA:

It is difficult to quantify the full impacts of an oil spill on the marine environment without adequate baseline data to refer to the condition of the environment before the spill. In addition, there appears to be an intentional effort by the Minerals Management Service (MMS) to ignore the findings of the few studies which have documented long term impact on the marine environment and to present misleading evidence as to some of the results that have been documented. For example MMS's west coast regional director, Lisle Reed, still refers to the fact that the shrimp fishery in the Gulf of Mexico has not been affected by the extensive OCS activities which occurs there (Hooper 1989). However, it has been well documented that although equivalent amounts of shrimp are still caught in the Gulf, it takes three times the fishing effort to catch the same amount of shrimp (Howarth 1981).

The discussion of the extent oil spills may impact the study area is far from clear because the results of the few studies which have documented long term impacts elsewhere are not readily available to the general public and the fact that there has not been adequate baseline data collected on the Olympic coast. However, there have been a series of spills on the Washington coast which have demonstrated the vulnerability and sensitivity of this environment to such impacts.

- A) In January 1972 the unmanned troopship General M.C. Meiggs grounded 10 miles south of Cape Flattery, releasing approximately 55,000 barrels of Navy Special fuel oil. The oil was not transported offshore due to the prevailing winds. Oil hydrocarbons were taken up by shellfish within two months of the accident and persisted in mussels for five years after the spill. Dead sea urchins were observed and 70 percent of the survivors had lost their spines (Clark et al 1978).
- B) In March 1984, approximately 179,000-233,000 barrels of fuel oil were discharged into the Columbia River near St. Helens, Oregon, River Mile 88. The spill reached the Pacific Ocean travelling an average of 20 miles per day. An estimated 6,500 birds were killed, but the lack of baseline data, low toxicity of the oil and rapid flushing of the river limited the assessment of damage to plant and marine organisms (Beaudoin-Hall 1989).

When the barge Florida spilled 650,000 to 700,000 liters of No. 2 fuel oil into Buzzards Bay, Massachusetts, the site of a long term study by the Woods Hole Oceanographic Institute, extremely high mortalities of all benthic animals such as clams, crustaceans, and worms, as well as fish and plants, were documented. This spill resulted in the contamination and closure of shellfish beds for over 10 years (Sanders and Jones 1981).

- C) In December 1988, approximately 231,000 gallons of No. 6 fuel oil was spilled by the barge Nestucca near the mouth of Grays Harbor. The prevailing currents spread the oil throughout the study area, killing over 10,000 seabirds. In addition, beaches and marine life along Canada's Pacific Rim National Park were also heavily impacted which has led the Canadian government to be openly concerned about the proposed lease sale off the Washington/Oregon coast. The full extent of this most recent spill on the marine ecosystem of the study area will be impossible to estimate due to the lack of baseline data.

One particularly difficult component of OCS activities to address are ecosystem impacts. In a report written for the Olympic National Park, Cederholm et al (ms) found that 22 species of birds and mammals within the Park consumed a high proportion of salmon which have died after spawning. If these fishes were tainted with oil or other contaminants, the impact on the Park's wildlife could be significant, but difficult to assess.

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Thank you for this opportunity to have our concerns and interests incorporated into the Draft Environmental Impact Statement for the Olympic Coast National Marine Sanctuary. The Coastal County Commissioners look forward to working with your staff throughout the designation process.

Sincerely,

WASHINGTON STATE COASTAL COUNTIES

Jefferson County Commissioners

George C. Brown
Chairman

B. G. Brown
Member

Larry W. Dennison
Member

Grays Harbor County Commissioners

Robert W. Paylor
Chairman

Bill Vogler
Member

Bill Pine
Member

Pacific County Commissioners

Joseph D. Wolfenbarger
Chairman

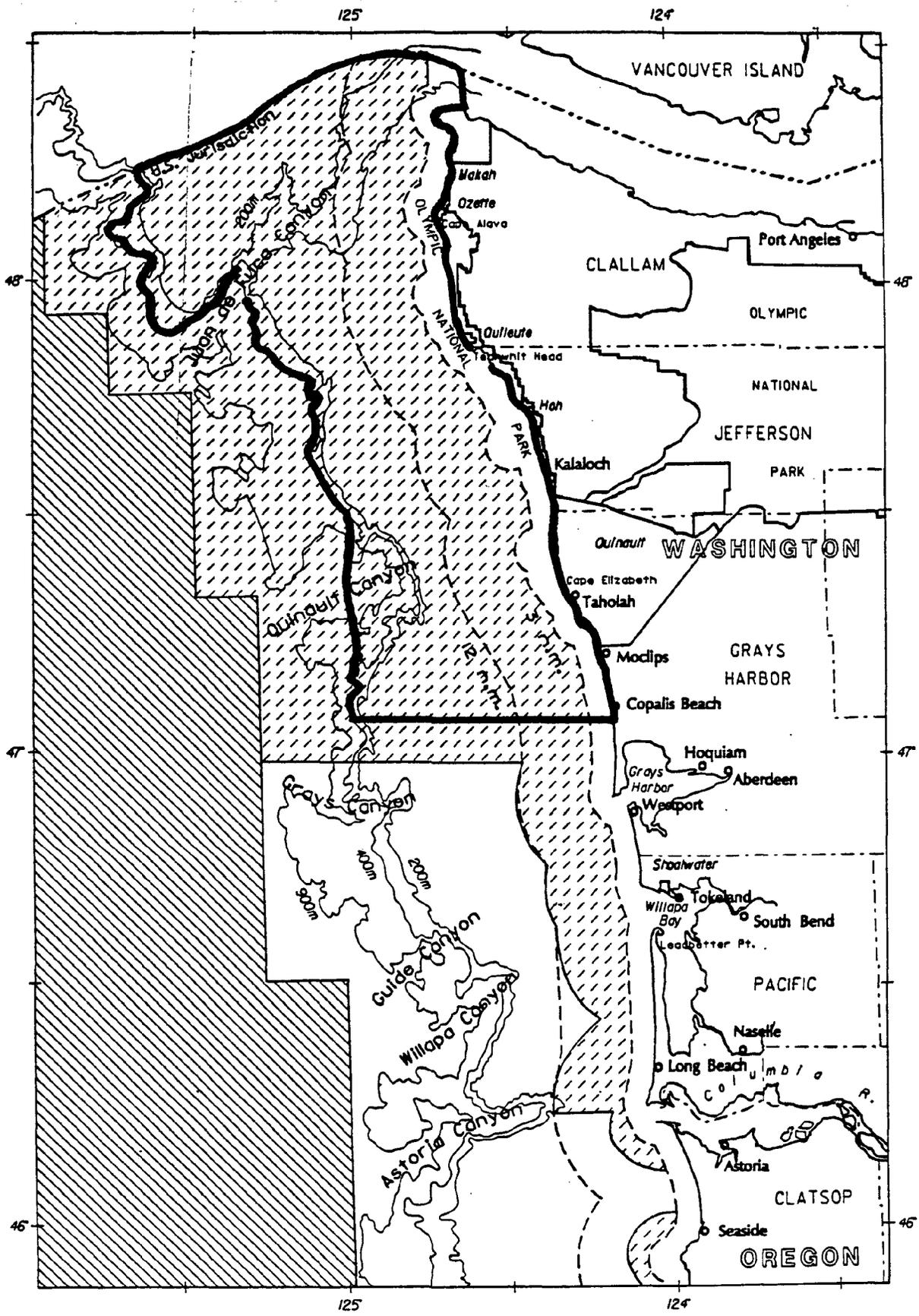
Richard Sande
Member

Dan'l Markham
Member

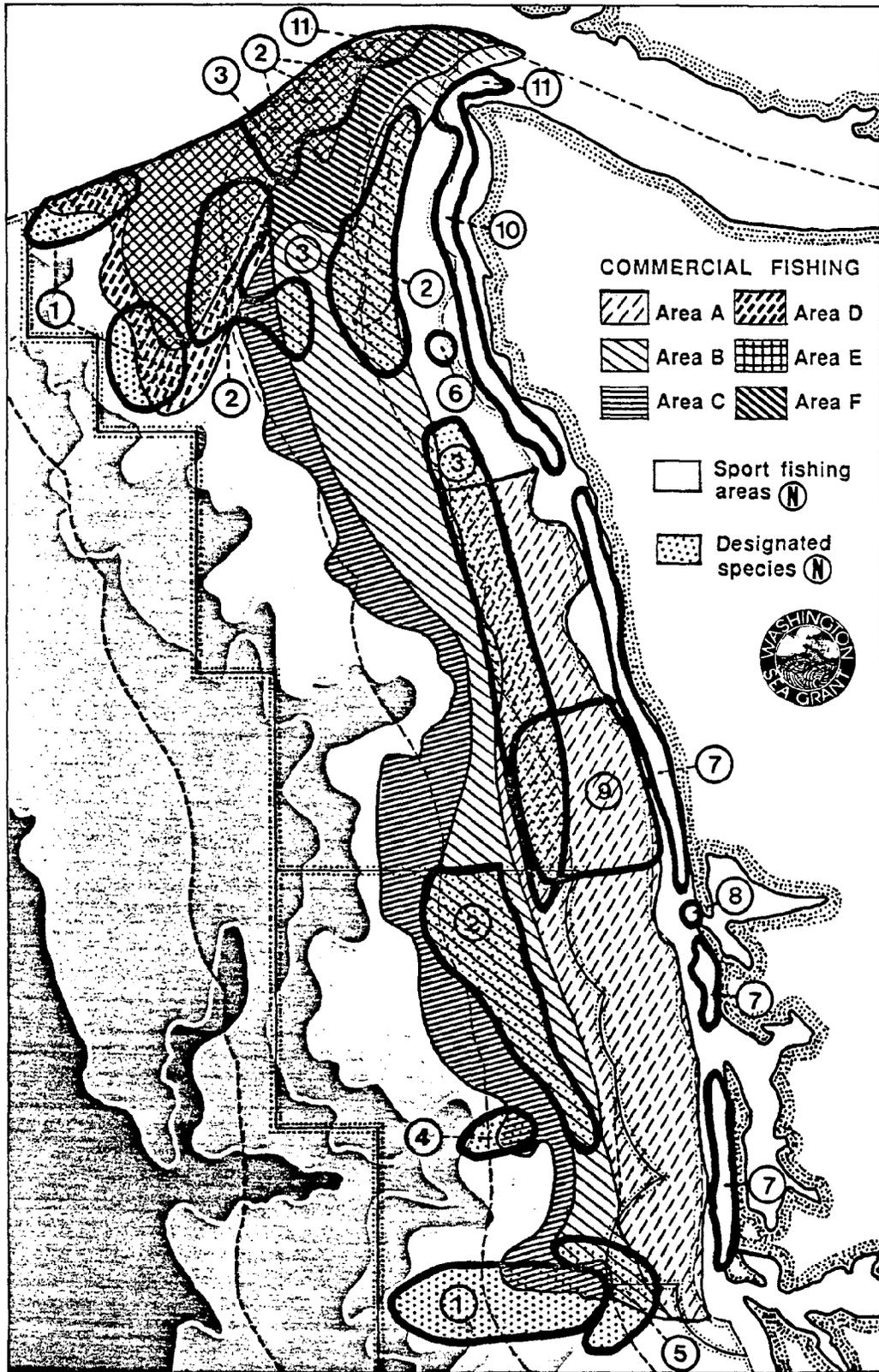
Clallam County Commissioners

Dorothy Duncan
Member

county



-  Subarea Deferrals
-  Highlighted Areas



APPENDIX 5



United States Department of the Interior

MINERALS MANAGEMENT SERVICE
PACIFIC OCS REGION
1340 WEST SIXTH STREET
LOS ANGELES, CALIFORNIA 90017

In Reply Refer To:
MMS - Mail Stop

June 20, 1989

Mr. Fred Felleman
Ocean Issue Coordinator
4007 Latona Avenue NE
Seattle, Washington 98105

Dear Mr. Felleman:

I am so pleased you were able to attend the ITM and Regional Technical Working Group meetings and participate as a member of the public. It's good to have someone with your background involved in the process. Your concerns and ideas are appreciated.

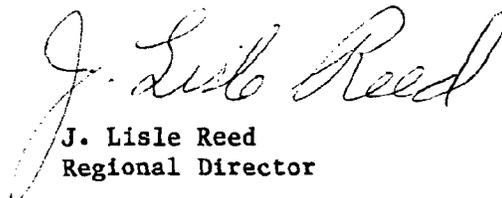
With respect to your comments on locating marine sanctuaries and oil fields, we cannot control where energy resources are found. The most promising areas for oil and gas exploration and development may coincide with the proposed sites for Marine Sanctuaries. We need to continue our dialog on these areas and work together regarding our concerns in common.

You made reference to the Bristol Bay Lease Sale and asked why Interior didn't give consideration to the fisheries. Please note the enclosed fact sheet on the deferral of over 80 percent of the area which was the prime fishery area.

The Interior Department is trying to balance issues and accommodate multiple users. I feel the March 27 Northwest Task Force meeting was a positive step toward Federal, State, and Tribal cooperation in resolving potential conflicts.

I'll see you July 17 at the Task Force meeting in Hoquiam, Washington.

Sincerely,



J. Lisle Reed
Regional Director

Encl.



State of California
SACRAMENTO

Secretary of
Environmental Affairs

June 9, 1989

Mr. Fred Felleman
Ocean Issue Coordinator
Washington State Coastal Counties
4007 Latona Ave. NE
Seattle, WA 98105

Dear Mr. Felleman:

I enjoyed meeting you during the recent Regional Technical Working Group meeting in Santa Barbara. I'm sorry that we did not have more time to talk. There are certainly many issues regarding offshore development that are of mutual interest to California and the State of Washington.

If this office can provide you with any information, please feel free to contact us.

Again, it was a pleasure meeting you and I look forward to discussing these issues with you more thoroughly in the future.

Sincerely,

John L. Hunter
Deputy Secretary

APPENDIX 6

Fred Felleman

James Dobbin Associates
Incorporated
Coastal and Ocean Planners
110 North Royal Street, Suite 300
Alexandria, Virginia 22314 USA
Telephone (703) 683-8322
Telefax (703) 836-6383



April 7, 1989

Ms. Christine O. Gregoire, Director
Washington State Department of Ecology
Mail Stop PV-11
Olympia, Washington 98504-8711

Dear Ms. Gregoire:

Mr. Fred Felleman of Seattle, Washington suggested that I should contact you regarding the Washington - British Columbia oil spill. As a way of brief introduction, we are an environmental planning firm specializing in coastal planning projects. We have worked on numerous projects in the specific field of marine litigation, including the T/V *Puerto Rican* oil spill economic damage assessment near San Francisco. We are now preparing a strategic assessment data atlas of the entire West Coast of the U.S. for NOAA, have worked on the U.S. FWS Sea Otter translocation study, prepared an atlas of the Straits of Georgia for the British Columbia government, and have been involved in preparing management plans for national marine and estuarine sanctuaries for NOAA in California and Florida.

The report we produced for the T/V *Puerto Rican* incident may be relevant to the Department of the Ecology's response to the oil spill off the coast of Washington. I believe that our report could help the State of Washington on the economic damage assessment that is being prepared and coordinated by your department. I enclose a copy of the report to show you our approach to this type of work.

For the T/V *Puerto Rican*, what originally started as separate state and federal actions became, through necessity, a joint action against the shipowner. The overriding reason was that any discrepancies between the separate actions would weaken both cases. Our effort involved researching and documenting exactly what happened and preparing an integrated economic damage assessment on behalf of the federal and state agencies, for the U.S. Justice and the California Attorney General's office. The result was an out-of-court settlement for \$750,000 for an estimated 1,300 dead birds - as well as \$2.5 million in clean-up costs. It is important to note that these total figures represent the total costs applied for by the U.S. Justice Department and California Attorney-General's office and were at the lowest end of the estimated damages. As an alternative to preparing an assessment in-house, it may be helpful to have an experienced consulting team work with you to prepare an economic damage assessment. We could play a vital role helping to integrate the work of the various federal, state, and local agencies and present your case in it's most favorable light. In addition, with my Canadian background and experience, we could provide substantial assistance should there be a joint Canada-U.S. damage assessment against the shipowners.

Ms. Christine O. Gregoire
April 7, 1989
Page 2



Please let us know if we can be of any assistance.

Yours truly,

James A. Dobbin, President
**JAMES DOBBIN ASSOCIATES
INCORPORATED**

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Enclosures: JDA Experience Summary
Update
Resource Damage Assessment of the T/V Puerto Rican Oil Spill Incident

APPENDIX 7

28 June 1989



Mr. Fred Felleman, Consultant
4007 Latona Avenue, NE
Seattle, Washington 98105

Re: Further to my letter of 10 June 1989

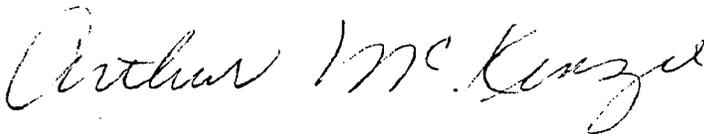
Dear Fred:

Enclosed are my recommendations for Prevention of Oil Spills as used in my presentation of the Petroleum Tankship Operations Course.

Feel free to distribute the data in any way you see fit.

Yesterday we had an organizational meeting at the Marine Board. Admiral Joel D. Sipes, USCG, had asked the Marine Board to study various hull configurations of tankers. He made it very clear at this meeting that we are only to recommend for Tank Ships NOT tank barges. Too many other things are in the way of looking at barges now, according to Sipes.

Sincerely,



Attachments: 2 pages

Prevention of Oil Spills in Order of Priority



- **Use Double Hulls Required For Type I Chemicals**
Type I Chemicals/Hazardous Cargos are required to be carried in double hulled tank vessels. Distance of inner hull from outer hull must be breadth of tanker divided by 5 or 11.5 meters, whichever is less. Height of double bottom must be breadth of tanker divided by 15 or 6 meters, whichever is less. *Petroleum (crude oil & products) should be treated the same.*
- **Check Officer/Pilot Competency on Simulators**
All deck, engine officers and pilots should be tested on simulators at least every two years to determine their competency to handle emergencies.
- **License Tank Vessel Owners/Operators & Key Shoreside People**
Renewal of licenses to be based partly on safety & pollution performance.
- **Require Oversight of Classification Societies by Elected Officials**
These quasi governmental Societies, composed of shipowners, builders, insurers & government officials, establish construction and maintenance standards for ships. They are in competition with each other for clients. Vessels' records are confidential. Public oversight by elected officials & access to ship records is required.
- **Wash Dirty Cargo Tanks Only With Oil, Not Water**
Dirty wash oil can be downgraded &/or reprocessed, avoiding water pollution.
- **Install Voyage Data Recorders on All Ships**
Lloyd's of London have developed and now sell a 'Black Box' for ships to record automatically vital vessel data for 40 days & then rewrite. The Voyage Data Recorder is ejected if vessel sinks & is recoverable.
- **Use Electronic Charts Showing Vessel's Position**
Ship's position automatically plotted by radar, Loran or satellite. Alarms warn of dangerous trends. Hydrographic Office can update charts remotely. Low cost Radar reflectors need to be installed in ports and dangerous waterways. Two Canadian seagoing ferries operating between Nova Scotia and Newfoundland have been equipped with the device for two years. The harbor of Port-aux-Basques has four sites with radar reflectors for use by the two ferries.
- **Expand Testing for Substance Abuse**
Test shipboard personnel for substance abuse when applying for license or certificate and for renewals. Test all involved personnel immediately after a casualty. Require reports periodically from Masters & supervisory shore staff commenting on any evidence of substance abuse by personnel on duty.
- **Require Preparation/Approval Operating Manuals**
Manuals to be prepared by owners and approved by licensing authorities for the operations and maintenance of tank vessels.

3 July 1989

